

E-FILED on 09/05/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DWIGHT E. WYMAN,

Plaintiff,

v.

VALLEY TRANSPORTATION AUTHORITY

Defendant.

No. C-09-02400 RMW


ORDER DISMISSING COMPLAINT

Plaintiff Dwight E. Wyman's complaint in this action states, in its entirety, "I was hit by the Light Rail & Injury my leg and low back lost payment on my job of \$20.00 HR. My bike damage. Damage to my mental mind." Docket No. 1 (transcription of handwritten original).

The court clearly lacks subject matter jurisdiction. The case should be filed in state court. Although leave to amend is normally given with respect to an inadequate initial complaint, here any amendment would be futile. Therefore, the action is dismissed without prejudice to filing in state court.

The clerk shall close the file.

DATED: 09/05/09


RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California

1 **Notice of this document has been sent to:**

2 Dwight Wyman
3 1365 Platt Ave
4 Milpitas, CA 95035

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Dated: 09/05/09

/s/ JAS
Chambers of Judge Whyte